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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 January 1992]

1. Our world is becoming accustomed to torture, the practice of which, although strictly prohibited, is often commonplace. This year, the International Federation of ACAT, which comprises 15 associations in Africa, the Americas and Europe, would like to call for a reaction against the trivialization of torture. In 1991, the associations affiliated to the International Federation had to make representations to the authorities of 91 countries in order to protest against flagrant violations of article 5 of the Universal Declaration of Human Rights. Those representations concerned 3,497 individuals, as well as the many members of groups subjected to collective repression, who formed the subject of blanket protests. Although the International Federation of ACAT does not interpret these figures as

evidence of an increase in the practice of torture, it is particularly concerned at the manner in which this practice is apparently being trivialized. In this connection, we would refer to just a few examples of situations or attitudes which reflect this trivialization.

2. The impunity which torturers enjoy in many countries implies that acts of torture are sufficiently commonplace to be virtually forgotten in the interests of so-called "national reconciliation". This trivialization of the crime of torture is prohibited by international instruments, particularly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (arts. 4 et. seq.). The International Federation of ACAT calls on governmental authorities:

(a) To refuse to grant impunity to torturers, by excluding the crime of torture from any amnesty measure and by endowing the judicial authorities with the statutory and material means to enable them to discharge their task;

(b) To include (through texts and orally) in the training of members of the various law-enforcement agencies a reference to the fact that no person guilty of an act of torture may benefit from any amnesty whatsoever.

3. The manner in which some authorities justify the exceptional practice of torture leads to its trivialization. In fact, although the authorities may officially proclaim their condemnation of any act of torture, they frequently justify or acknowledge "exceptions". Many of the replies that the authorities send to associations affiliated to the Federation contain arguments conducive to dangerous trivialization. Violations are attributed to the fact that "the ill-treated individuals were terrorists" or it is stated that "criminals who place themselves beyond the pale of the law should not complain of repression". Some Governments explain that "the security of the State or its citizens sometimes necessitates the use of more radical means" or that "normal means cannot be used to obtain information from certain persons who have received special training".

4. The frequent use of such arguments, by the general public and by the authorities, constitutes a flagrant violation of the international rules which expressly stipulate that no exception may be made to the prohibition of torture (art. 2 of the Convention against Torture). It also denotes a grave failure to recognize the consequences of the use of such methods, which are always baneful for society as a whole. In his report for 1991, the Special Rapporteur on torture noted the grave dangers inherent in toleration of "the glaring discrepancy between behaviour at the international and national levels". He added that Governments "should learn to profit from history's lesson that internal order ultimately can never - or at best only temporarily - be restored and maintained at the cost of basic human rights".

5. The International Federation of ACAT calls upon the authorities:

(a) To continue training their officials in the requirements of international law through courses which the competent United Nations bodies could help to organize;

(b) To encourage the production of educational works conducive to the stimulation of wider public awareness of the reasons for the absolute nature of the prohibition of torture.

6. The evident reluctance of some authorities to ratify the international legal instruments prohibiting torture seems to indicate that torture is regarded not as a priority, but as a trivial concern that can be forgotten. The International Federation of ACAT therefore calls upon the governmental and political authorities:

(a) To ratify and give full effect in their country to the Convention against Torture;

(b) To encourage and accelerate the process of the study and acceptance by the United Nations of the Optional Protocol to the Convention against Torture, by deciding at the forty-eighth session to establish a sessional or presessional group at the forty-ninth session (1993).

7. Some of the most vital principles for the survival of mankind are being threatened by trivialization. Such is the case with the absolute prohibition of torture. It lies with each country to react against this dangerous trivialization.